

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BOROUGH OF EDGEWATER,

Plaintiff,

v.

WATERSIDE CONSTRUCTION,
LLC; 38 COAH, LLC; DAIBES
BROTHERS, INC.; NORTH RIVER
MEWS ASSOCIATES, LLC; FRED A.
DAIBES; TERMS
ENVIRONMENTAL SERVICES,
INC.; ALCOA INC. (formerly known as
“Aluminum Company of America”);
ALCOA DOMESTIC LLC, as
successor in interest to A.P. NEW
JERSEY, INC.; et al.,

Defendants,

WATERSIDE CONSTRUCTION,
LLC; 38 COAH, LLC; DAIBES
BROTHERS, INC.; NORTH RIVER
MEWS ASSOCIATES, LLC; and
FRED A. DAIBES,

Defendants/Third-Party Plaintiffs,

v.

NEGLIA ENGINEERING
ASSOCIATES,

Third-Party Defendant,

(caption continued on next page)

Case Nos.: 2:14-CV-05060-JMV-JBC

2:14-cv-08129-MCA-LDW

Hon. John M. Vazquez, U.S.D.J.

Hon. James B. Clark, III, U.S.M.J.

**[PROPOSED] ORDER GRANTING
SUMMARY JUDGMENT TO
ARCONIC**

(continued from previous page)

ALCOA DOMESTIC, LLC, as
successor in interest to A.P. NEW
JERSEY, INC.,

Defendant/Third-Party Plaintiff,

v.

COUNTY OF BERGEN and RIVER
ROAD IMPROVEMENT PHASE II,
INC., and HUDSON SPA, LLC,

Third-Party Defendants.

THIS MATTER having come before the Court by way of motion by Defendants/Third-Party Plaintiffs Arconic Inc. (f/k/a Alcoa Inc.) and Arconic Domestic, LLC's (f/k/a Alcoa Domestic, LLC as successor in interest to A.P. New Jersey, Inc.) (collectively "Arconic"), for an Order pursuant to Fed. R. Civ. P. 56 granting summary judgment to Arconic against the Daibes Defendants,¹ and Third-Party Defendant River Road Improvement Phase II, Inc., ("RRIP"); and

The Court having considered the papers in support of and in opposition to the motion, and the oral argument of the parties (if any); and for good cause shown;

¹ Several of the defendants are related companies that are owned and/or controlled by Fred A. Daibes. These Defendants, collectively referred to as the "Daibes Defendants," include Waterside Construction, LLC ("Waterside"); North River Mews Associates, LLC ("North River"); 38 COAH, LLC., ("38 COAH"); Daibes Brothers, Inc., ("Daibes Brothers"); and Fred A. Daibes. Third-Party Defendant River Road Improvement Phase II, Inc. ("RRIP") is also owned and/or controlled by Fred A. Daibes.

IT IS on this ____ day of _____, 2020,

ORDERED that Arconic's motion for summary judgment is hereby **GRANTED**; and it is further

ORDERED that North River's claims against Arconic (Counts One through Five), are dismissed with prejudice; and it is further

ORDERED that Waterside, North River; 38 COAH, Daibes Brothers and Fred A. Daibes's claims pursuant to CERCLA § 107 (Count Three) are dismissed with prejudice; and it is further

ORDERED that Waterside; North River; 38 COAH Associates, LLC; Daibes Brothers, and Fred A. Daibes's claims pursuant to CERCLA § 113(f) (Count Four) are dismissed with prejudice; and it is further

ORDERED that North River and RRIP must reimburse Arconic for all legal costs that Arconic has incurred to defend itself in this lawsuit, plus interest; and it is further

ORDERED that North River and RRIP indemnify Arconic for any judgment entered against it; and it is further

ORDERED that Arconic's claim for breach of contract against North River and RRIP is hereby granted.

Hon. John M. Vazquez, U.S.D.J.